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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			PHAN, TRI H	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,057

Applicant(s)

PUTCHA ET AL.

Examiner

Tri H. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 12 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the Response/Amendment filed on February 28th, 2006. New claim 17 is added. Claims 1-17 are now pending in the application.

Claim Objections

2. Claims 1, 14 and 17 are objected to because of the following informalities:

In claim 1, line 9, the dash “_” between words “a” and “service” should be removed for clarity.

In claim 14, line 4, the word “a” in front of the phrase “second carrier frequency” should be changed to -- the -- for clarity.

In claim 17, line 1, the dash “_” between words “a” and “communication” should be removed for clarity.

In claim 17, line 10, the word “a” in front of the phrase “second carrier frequency” should be changed to -- the -- for clarity.

Appropriate corrections are required.

Double Patenting

3. Claim 12 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 17. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim

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to object to the other as being a substantial duplicate of the allowed claim. See MPEP

§ 706.03(k).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 7-11, and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by **Kwak et al.** (U.S.2003/0088695; hereinafter refer as '**Kwak**').

- In regard to claim 1, **Kwak** discloses, *a system and method of camping in a device of a communication system* (for example see figure 1; Abstract) *comprising camping on a first carrier frequency* (see figures 4-6 and 12; for example see steps 501 and 502' in figure 5; page 4, paras [0047], [0049]; wherein the UE monitors the PICH through the second carrier, e.g. "camping on a first carrier frequency", on the receiving PBMSCH); *receiving, over the first carrier frequency* ('second carrier'), *a frequency redirection message* ('paging indicator') *directing the device to camp on a second carrier frequency* (see figures 4-6 and 12; for example see steps '503 and 504'; page 4, paras [0047], [0049]; wherein the paging indicator indicates the UE to switch to the primary carrier, e.g. "second carrier frequency"); *receiving a notification*

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(‘paging information’ on the PCH; where the paging information such as PI, SFN, Np parameters is specified in page 3, paras [0036-0039]), *on a control channel* (‘S-CCPCH’ of the primary carrier) *associated with the second carrier frequency, of the start of a data session on the second carrier frequency* (see figures 4-6 and 12; for example see steps ‘505 and 506’; page 4, paras [0049- 0050]); *and camping on a second carrier frequency* (see figures 4-6 and 12; for example see step ‘508’; page 4, para [0050]; where the UE establishes the path on the primary carrier based on the paging information, e.g. “*camping on a first carrier frequency*”, in order to receive target channel signal on the primary carrier).

- Regarding claim 2, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Kwak** further discloses, *comprising camping on the first carrier frequency after the data session has been received on the second carrier frequency* (see figures 4-6 and 12; for example see step ‘507’; page 4, para [0050]; wherein the UE returns to the secondary carrier if the paging information is not for it).

- In regard to claims 3-5, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Kwak** further discloses, *wherein the frequency redirection message is sent on a broadcast channel of the first carrier frequency* (see figures 4-6 and 12; for example see page 4, paras [0047], [0049]; wherein the paging indicator from the PICH, e.g. “*frequency redirection message*”, is transmitted through the second carrier, e.g. “*first carrier frequency*”, on the physical broadcast multicast shared channel ‘BMSCH’ as defined in para [0030], e.g. “*broadcast channel*”), *wherein the frequency redirection message is a*

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broadcast data service redirection message (see figures 4-6 and 12; for example see page 4, paras [0047], [0049]; wherein the paging indication information from the PICH, e.g. “*frequency redirection message*”, is transmitted through the broadcast multicast shared channel ‘BMSCH’ to order the UE to receive the PCH through the primary carrier, e.g. “*broadcast data service redirection message*”), wherein the *frequency redirection message* includes the parameters of a radio configuration for the second carrier frequency (for example see page 3, paras [0039]-[0040]; wherein the paging indicator provides “parameters” such as PI, SFN, N_p for paging information).

- Regarding claims 7 and 8, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Kwak** further discloses, wherein the *frequency redirection message* is sent on a broadcast control channel ‘BCCH’ of the first carrier frequency the device is camped on (‘BCH’; see page 1, paras [0005]-[0006]), or wherein the control channel associated with the second carrier frequency is a multicast control channel ‘MCCH’ on which the device is camped (‘BMC’; see page 1, para [0007]).

- In regard to claims 9 and 14-15, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Kwak** further discloses, wherein receiving a notification, on a multicast control channel ‘MCCH’ (‘BMC’; see page 1, para [0007]) associated with the second carrier frequency, of the start of the data session on the second carrier frequency receiving the notification prior to the start of the data session (see figures 4-6 and 12; for example see steps ‘505 and 506’; page 4, paras [0049], [0050]).

- Regarding claims 10-11, in addition to features in base claim 1 (see rationales pertaining the rejection of base claim 1 discussed above), **Kwak** further discloses, determining a configuration associated with the second carrier frequency in accordance with receiving a broadcast data session (for example see page 3, para [0039]; wherein the “*parameters*” such as PI, SFN, N_p, is used for determining the paging information, e.g. “*configuration*”) and configuring the device to receive the broadcast data session in accordance with the determined configuration (for example see page 3, para [0040]).

- In regard to claim 13, **Kwak** discloses, *a system and method for camping in a multiple frequency communication system* (see figure 1; Abstract), *comprising transmitting an information message for a data session* (‘paging indicator’) *redirection to a second carrier frequency* (‘primary carrier’) *on a first carrier frequency* (‘second carrier’), *on which at least one mobile station is camped* (see figures 4-6 and 12; for example see ‘steps 401-403’ in figure 4; page 3, paras [0045]; page 4, paras [0047], [0049]; wherein the node B transmits the PICH through the second carrier, which the UE is monitoring, e.g. “*mobile station is camped*”) *and sending a start of data session notification message* (‘paging information’ on the PCH; where the paging information such as PI, SFN, N_p parameters is specifies in page 3, paras [0036-0039]) *on a plurality of control channels* (see page 3, para [0046]), *at least one of which is associated with the second carrier frequency* (for example see ‘step 405’ in figure 4; page 3, paras [0045]; wherein the paging information contains the paging indicator bits, which define the paging

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information is or is not for the UE as disclosed in page 3, para [0040], e.g. “*a start of data session notification message*”, to switch to the primary carrier, e.g. “*second carrier frequency*”).

- Regarding claim 16, **Kwak** discloses, *a system and method for camping in a multiple frequency communication system* (see figure 1; Abstract), *comprising broadcasting over a BCCH* (‘BCH’; see page 1, paras [0005]-[0006]) *to a mobile station* (‘UE’) *on a first frequency semi-static information for a service redirection* (‘paging indicator’) *for a data session* (for example see ‘step 1005’; wherein the PBMSCH control information contains information about the frequency and physical channel code of the PBMSCH, e.g. “*semi-static information*”, and where the paging indicator indicates the UE to switch between secondary and primary carriers in order to receive services as disclosed in page 4, paras [0047-0049]), *broadcasting over a plurality of multicast control channels MCCH's* (‘PBMSCH’; see page 1, para [0007]), *a notification of the data session* (‘PBMSCH control information 1055’ in figure 12), *prior to the start of the data session over the first frequency* (‘primary carrier’; wherein the UE receives the PBMSCH control information before switching to the primary carrier, e.g. “*prior to the start of the data session over the first frequency*”; and the paging indicator provides the indicator where the UE can determine the paging information is belonged to it or not for switching to the primary carrier as disclosed in page 3, para [0040]-[0041]) *and camping on a second frequency* (where the UE establishes the path on the primary carrier based on the paging information, e.g. “*camping on a second frequency*”, in order to receive target channel signal on the primary carrier) *associated with at least one MCCH of the plurality of MCCH's* (for example see figure 12; paras [0078]-[0080]).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kwak et al.** (U.S.2003/0088695).

- In regard to claim 6, **Kwak** discloses the method of claim 1 as disclosed in part 5 above of this office action, including about *the parameters of a radio configuration for the second carrier frequency* (for example see page 3, paras [0039]-[0040]; wherein the paging indicator provides “*parameters*” such as PI, SFN, N_p for paging information); but explicitly lacks about the device’s “*memory*” to store the parameters. However, it would have been obvious to one with ordinary skill in the art at the time of invention to include the “*memory*” in the device, e.g. ‘UE’, in order to process the received signal based on the received control information as disclosed in page 6, paras [0070]-[0073], which send from the transmitter of node B as disclosed in page 5, para [0067]. The motivation being that faster processing received signal without overhead information on the transmitting signal.

Response to Amendment/Arguments

8. Applicant's arguments filed on February 28th, 2006 have been fully considered but they are not persuasive.

In the REMARKS, page 9, Applicant argues that **Kwak** fails to disclose the method *“camping on the first carrier frequency”* and *“receiving a notification, on a control channel associated with the second carrier frequency, of the start of a data session on the second carrier frequency and camping on a second carrier frequency”*. Examiner respectfully disagrees. First of all, according to page 6, lines 4-20 of the specification, *“camping”* is defined as monitoring. Secondly, claim 1, and similarly to independent claims 13 and 16, does not recite that camping while the mobile station is in idle mode. **Kwak** does disclose in page 4, para [0049]; wherein the UE or ‘mobile station’ periodically monitors the paging indicator ‘PICH’ through the second carrier, e.g. *“camping on the first carrier frequency”*, from the receiving Physical Broadcast Multicast Shared Channel ‘PBMSCH’ for receiving the paging information, e.g. not data transmission, from the node B or ‘base station’ as disclosed in steps 502-503 of figure 5, steps 1024-1025 of figure 12; in order to determine the paging is belonged to the UE or not. If the paging indicator indicates paging, the UE switches the frequency from the secondary (*“first carrier frequency”*) to the primary (*“second carrier frequency”*) and establishes the path for receiving the paging information, e.g. *“camping on the second carrier frequency”*, from the S-CCPCH through the primary carrier, e.g. *“a control channel associated with the second carrier frequency”* as disclosed in steps 505, 506 and 508 of figure 5; and as discussed in part 5 above of this Office action. Herein, the UE is already switched to the primary carrier and reads the paging

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information or “*notification*” for establishing the path before any data transmissions, e.g. “*the start of a data session*”. Therefore, Examiner concludes that **Kwak** teaches the arguable features.

Allowable Subject Matter

9. Claim 17 would be allowable if rewritten or amended to overcome the objection, set forth in part 2 of this Office action.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Voltolina et al. (U.S.2005/0233760), **Meago, Francesco** (U.S.2004/0223513) and **Koulakiotis et al.** (U.S.2004/0081192) are all cited to show devices and methods for improving the multimedia broadcast/multicast service ‘MBMS’ in the telecommunication architectures, which are considered pertinent to the claimed invention.

11. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(571) 273-8300

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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Tri H. Phan
May 29, 2006



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